

Dallas Police Department

U Visa Nonimmigrant Status Certification Policy

Congress created the “U” nonimmigrant classification with the passage of the Victims of Trafficking and Violence Protection Act. The legislation was intended to strengthen the ability of law enforcement agencies to investigate and prosecute cases of domestic violence, sexual assault, trafficking of aliens and other crimes, while at the same time, offering protection to victims of such crimes.

All applicant individuals must meet the following four statutory eligibility requirements and have:

- (1) suffered substantial physical or mental abuse as a result of having been a victim of a qualifying criminal activity, and
- (2) valid information concerning the criminal activity, and
- (3) assisted or are continuing to assist in providing useful information to the investigation or prosecution of the crime, and
- (4) been a victim of a criminal activity that violated the laws of the United States and occurred within the jurisdiction of a certifying agency.

Qualifying criminal activity is defined by statute as an activity involving offenses ranging from murder, rape, robbery, felonious assault, sexual exploitation, extortion, human trafficking, torture, abduction, false imprisonment, witness tampering, obstruction of justice, etc. This list is not all inclusive, but represents types of criminal activity which target vulnerable immigrants.

The victim must submit a U Nonimmigrant Status Certification (Form I-918, Supplement B) that is certified by a law enforcement agency to the U.S. Citizenship and Immigration Services.

The Dallas Police Department will act as a certifying agency for a petitioner of an I-918 Supplement B, U Nonimmigrant Status Certification if the following criteria are met:

1. The petitioner must be the victim of a qualifying criminal activity as referenced at 8 USC Section 1101(a)(15)(U)(iii) and the qualifying criminal activity must be classified as a Class B Misdemeanor offense or above which is reported to the Dallas Police Department. The petitioner must establish that she or he possesses information concerning the criminal activity which he or she has been a victim of and has been, is being or is likely to be helpful to an investigation or prosecution of the qualifying crime.
2. The offense must still be under jurisdiction of the Dallas Police Department and the petitioner must make application within one year of the occurrence of the criminal offense. Where the statute of limitations for the underlying criminal activity has not expired, the Dallas Police Department Designated Certifying Official (CO) may consider an applicant’s request for certification if the petitioner establishes that he or she has

significant information leading to the identification of the perpetrator of the underlying criminal activity committed against the petitioner or the CO has otherwise determined that a public benefit exists to review the request for certification.

3. The Dallas Police Department will act as a certifying agency when all of the above requirements have been met and it is determined to be in the best interest of justice.
4. Once a case has been filed with a District Attorney's Office for any county within the City of Dallas, the Dallas Police Department may refer a U-Visa applicant to the certifying official for the District Attorney's Office where the case was filed.
5. The Dallas Police Department will not certify those indirect victims of offenses with deceased victims resulting from murder or manslaughter, or offenses with a victim younger than 21 years of age that has become incompetent or incapacitated as a direct result of the offense committed against the victim, where the applicant (indirect) victim was not a witness to the offense, and/or is unable to provide assistance to the investigation that will assist with identifying and prosecuting involved suspects.
6. All requests for recertification or re-examination of previously reviewed U-Visa applications submitted to the Dallas Police Department will be denied. Decisions made by previous Designated Certifying Officials for the Dallas Police Department will remain in effect and will not be re-examined by subsequent Designated Certifying Officials.

The Victims Services Coordinator/Advocates in the Crimes Against Persons Division - Investigations Bureau will be the Agency Point of Contact for all I-918, Supplement B, U Nonimmigrant Status Certifications sent to the Dallas Police Department. The Designated Certifying Official is a Lieutenant of Police assigned to the Crimes Against Persons Division. Documentation identifying current and prior Designated Certifying Officials will be maintained by the Dallas Police Department and the Fraud Detection Unit within the U.S. Citizenship and Immigration Services. All applications and decisions will be recorded and maintained by the Victims Services Coordinator/Advocates. Certification decisions will be based upon an investigation of the facts submitted.

Law enforcement certification, by itself, does not provide legal immigration status for the applicant. The U.S. Citizenship and Immigration Services will make the final determination as to whether an individual will be granted legal immigration status.